IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

WRIT PETITION No. 3647 M/S of 2001
(Old No. 9111 of 1995)

Nand Singh ….. Petitioner.

Versus

Commissioner Kumaon Division & others. … Respondents.

HON'BLE RAJESH TANDON, J.

File has been received from Allahabad High Court. No one appears on behalf of the parties. State Counsel is present.

Heard.

By the present writ petition the petitioner has challenged the order dated 19.03.1985 and 21.04.1087.

Proceedings under section 122B of the U.P. Z.A. Act were initiated against the petitioner. In response to the notice dated 14.02.1984 the petitioner has filed objections.

The Assistant Collector by order dated 19.03.1985 directed the petitioner to pay damages of Rs. 2116/-. A revision was preferred against the aforesaid order. The revision was dismissed on 23.02.1985 by the Commissioner Kumaon Division.

The grievance of the petitioner is that he was not given opportunity to contest the case and he is still in possession.

A perusal of the record shows that the objections of the petitioner has been considered and the petitioner has been found to be in illegal possession and, as such damages has been awarded. No proof of title has been shown before the courts below.

Consequently, I find no infirmity in the aforesaid orders. Liberty is given to file the application for recalling the order if the cause of action subsists.

The writ petition is dismissed. No order as to costs.

(Hon'ble Rajesh Tndon J)

Dated: August 17, 2004.
S.S.Negi.